

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

O R D E R

NOW, this 17th day of April, 2013, upon consideration
of the following documents:

- (1) Defendant Santiago's Motion to Compel the Government to Provide English Language Transcripts of Pertinent Foreign Language Recordings, which motion was filed February 19, 2013 (Document 93) ("Motion to Compel Transcripts"), together with,

(A) Defendant Santiago's Memorandum in Support of His Motion to Compel the Government to Provide English Language Transcripts of Pertinent Foreign Language Recordings (Document 93); and

As of the date of this Order, co-defendant Juan Mangual (-07) is a fugitive who has neither been arrested or arraigned, and for whom no counsel has entered an appearance.

- (2) Government's Reply to Defendant's Motion to Compel Production of Transcriptions of Wire and Electronic Communications, which reply was filed February 25, 2013 (Document 96), together with,
- (A) Exhibit A, Selection of 22 written summaries of pertinent calls prepared by government linguists who monitored the wire and electronic intercepts in the within matter (Document 96-1);

it appearing that at the pretrial motion hearing held March 8, 2013, the six other arraigned co-defendants joined in defendant Santiago's motion to compel; upon consideration of the arguments made, and exhibits received², during the pretrial motion hearing; and for the reasons expressed in the accompanying Opinion,

² At the pretrial motion hearing, the government relied on Exhibit A attached to its reply. Exhibit A contains 22 examples of written English-language summaries of pertinent telephone calls prepared by government linguists who monitored the wire and electronic interceptions. Defendants offered three exhibits into evidence at the hearing, which were designated as Defense Exhibits Santiago D-1 through D-3, and are described below.

Defense Exhibit Santiago D-1 is a copy of the Criminal Complaint and the Affidavit of Special Agent Anthony V. Cavallo, Federal Bureau of Investigation dated August 10, 2012, which complaint and affidavit were filed in the United States District Court for the District of Puerto Rico in case number 12-mj-01158 on August 8, 2012 (Document 1) and in the United States District Court for the Eastern District of Pennsylvania in case number 12-cr-00566 on August 28, 2012 (Document 23).

Defense Exhibit Santiago D-2 is a copy of the following documents:

- (A) Application and Affidavit for Search Warrant In the Matter of the Search of 307 South Franklin Street, Allentown, Pennsylvania, sworn to, and subscribed by, Evan Weaver, Task Force Officer of the Federal Bureau of Investigation, before United States Magistrate Judge Arnold P. Rapoport on August 10, 2012 ("Application and Affidavit");
- (B) Search Warrant In the Matter of the Search of 307 South Franklin Street, Allentown, Pennsylvania, issued by Magistrate Judge Rapoport on August 10, 2012; and

(Footnote 2 continued):

IT IS ORDERED that the within Motion to Compel Transcripts is granted, in part, and denied, in part.

IT IS FURTHER ORDERED that the Motion to Compel Transcripts is granted to the extent it seeks to require the government to provide defendants with English-language transcripts with all intercepted communications which the government has deemed pertinent in this case.³

IT IS FURTHER ORDERED that the Motion to Compel Transcripts is denied to the extent that it seeks to require the government to bear the full cost of providing English-language transcripts of pertinent recorded conversations which the government does not introduce into evidence, or otherwise rely upon, during the trial in this case, or during any sentencing proceedings if this matter results in the conviction of any of the defendants.

(Continuation of footnote 2):

(C) Attachments A and B to both the Application and Affidavit and the Search Warrant; and

(D) Affidavit of Probable Cause sworn to, and subscribed by, Task Force Officer Evan Weaver before Magistrate Judge Rapoport on August 10, 2012.

Defense Exhibit Santiago D-3 is a copy of three typewritten questions composed by Robert E. Goldman, Esquire, counsel for defendant Melvin Santiago, which Attorney Goldman posed to government counsel during Attorney Goldman's oral argument during the pretrial motion hearing.

³ It is the sense of this Order that the court will establish appropriate deadlines for the production of such English-language transcripts, as well as a trial attachment date and other pretrial deadlines at or after the second status conference scheduled by this Order.

IT IS FURTHER ORDERED that a second status conference in the within matter is scheduled for May 3, 2013 at 10:00 o'clock a.m. in Courtroom B of the Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Allentown, Pennsylvania.

BY THE COURT:

/s/ JAMES KNOLL GARDNER
James Knoll Gardner
United States District Judge